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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,421	11/22/2000	William J. Wied	00-0213.06/US/5	2891

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EXAMINER
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HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/721,421

Applicant(s)

WIED ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

New corrected drawings are required because this application has been filed with informal drawings which are acceptable for examination purposes only. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance. See PTO-948 for additional information.

### ***Claim Objections***

Claim 11 is objected to because of the following informalities: This claim recites the limitation "said automated system" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjerre et al. (US 2002/0123911 A1) in view of Official Notice.**

Referring to claims 1-11 and 16-19, Bjerre teaches and system for facilitating commerce between shippers and carriers, comprising the steps of:

- capturing electronic shipment requests for available shipments, said electronic shipment requests originating from remote shippers and including shipment specific criteria and carrier access criteria (page 3, paragraph [0039]; pages 4 and 5, paragraphs [0051] – [0055], [0059] – [0060]);
- storing said electronic shipment requests in a database of a DMS (page 3, paragraph [0039]; page 5, paragraph [0056]);
- presenting said electronic shipment requests to remote carriers meeting the carrier access criteria (page 3, paragraph [0039]; page 5, paragraph [0057]);
- receiving carrier fulfillment offers responsive to said presented electronic shipment requests (page 5, paragraph [0057]);
- presenting said responsive carrier fulfillment offers to the remote shippers originating said electronic shipment requests (page 5, paragraph [0057]);
- wherein said carrier fulfillment offers at least satisfy the shipment specific criteria (page 5, paragraph [0057]);
- electronically notifying the remote carriers meeting the carrier access criteria (page 3, paragraph [0039]);

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- receiving manually entered electronic shipment requests through a user interface (page 2, paragraph [0036]; page 5, paragraphs [0059] and [0060]).

Bjerre does not teach notifying the remote carriers when their fulfillment offers are accepted by the remote shippers. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Bjerre. One of ordinary skill in the art would have been motivated to do so in order to facilitate the transaction by informing one party that another party accepted their offer. Bjerre does not teach facilitating an electronic payment from the remote shipper to the selected remote carrier. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Bjerre. One of ordinary skill in the art would have been motivated to do so in order to complete the transaction between the shipper and the carrier by ensuring that the carrier was properly compensated for its services. Bjerre also does not teach storing the electronic shipment requests, the carrier fulfillment offers, and information relating to the electronic payment in a database of said DMS. However, this would also have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill in the art would have been motivated to do so in order to maintain a complete record of the transaction for future reconciliation in the even of a dispute. Bjerre does not teach receiving electronic shipment request from a remote automated system. However, Official Notice is taken that it is old and well known in the art to automate a manual process. Therefore

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it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Bjerre. One of ordinary skill in the art would have been motivated to do so in order to alleviate the user from the burden of having to re-enter the same information for a repeat order.

**Claims 12-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al. (US 6,035,289) in view of Official Notice.**

Referring to claims 12-15 and 20, Chou teaches a system and method of facilitating commerce between shippers and carriers, comprising the steps of:

- capturing electronic shipment requests for available shipments, said electronic shipment requests originating from remote shippers and including shipment specific criteria and carrier access criteria (column 5, lines 31-37). The Examiner notes that Chou allows a shipper to select the transportation mode. Therefore this serves as a type of filtering to limit the number of carriers that can respond to a shipper's request.
- storing said electronic shipment requests in a database of a DMS (column 6, lines 44-47);
- capturing electronic carrier availability data, said carrier availability data originating from remote carriers and including carrier specific criteria and shipper access criteria (column 5, lines 38-43; column 6, lines 36-43).

The Examiner notes that Chou allows a carrier to set filters (e.g. origin and destination places) in order to limit the number of shippers.

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- storing said electronic carrier availability data in said database of said DMS (column 6, lines 44-47);
- electronically comparing the access criteria of the shippers and the carriers to determine shipper and carrier compatibility (column 6, line 44 – column 15, line 62).

Chou does not explicitly teach notifying the carriers and shippers that there are shippers and carriers who meet the access criteria. However, Chou teaches a method and system for electronic trading of carrier capacity wherein shippers and carriers submit “bids” and “asks” to a clearing house that builds a trade based on a set of rules. Therefore the limitation of electronic notification is inherent in the system and method of Chou otherwise there would be no “trade”. Chou does not teach presenting shipping requests to carriers meeting carrier access criteria, or presenting carrier availability to shippers meeting the shipper access criteria. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this limitation into the system and method of Chou. One of ordinary skill in the art would have been motivated to do so in order to allow the shippers and carriers to see the complete details of the trade before agreeing to the transaction. Finally, Chou does not teach that the shipment requests are entered manually or automatically. However, Official Notice is taken that it is old and well known in the art to capture data from a computer that has been entered either manually or automatically. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Chou. One of ordinary skill in the

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art would have been motivated to do so in order to process data entered into a computer.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



**Naeem Haq**, Patent Examiner  
Art Unit 3625

December 22, 2003



Jeffrey A. Smith  
Primary Examiner